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By

lance liu

(Signature of person mailing)

Lance Liu

(Typed or printed name of person)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Zheng J. Li, *et al.*

Examiner: Peselev, Elli

APPLICATION NO.: 10/650,252

Group Art Unit: 1623

FILING DATE: August 27, 2003

TITLE: CRYSTAL FORMS OF AZITHROMYCIN

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTICE OF APPEAL

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision dated October 22, 2004 of the Primary Examiner finally rejecting claims 84-93 and 123.

Appeal Fee \$500.00:

- Not required (fee paid in prior appeal in the application).
- Charge to Deposit Account No. 16-1445.
(Two copies of this paper are enclosed).
- The Commissioner is hereby authorized to charge any additional fees which may be required under 37 C.F.R. §§1.16 and 1.17, or credit any overpayment, to Deposit Account No. 16-1445.
(Two copies of this paper are enclosed).

The final Office Action was issued on October 22, 2005 and Applicants filed an Amendment in response to the final Office Action on December 9, 2004, within two months from its issue date. An Advisory Action was issued on March 29, 2005.

04/22/2005 KU00031 00000012 161445 10650232

01 FC:1401 500.00 DA
02 FC:1251 120.00 DA

Applicants requested a one-month extension of time, from the issue date of the Advisory Action, March 29, 2005, up to and including the last day of the six-month statutory period for responding to the October 22, 2004 final Office Action, April 22, 2005. Therefore, the present application is pending and the present Notice of Appeal is being timely filed.

DATE: 04/21/05

lance liu

Lance Y. Liu
Attorney for Applicants
Reg. No. 45,379

Customer No. 28523
Pfizer Inc.
Patent Dept.
MS 4159
Eastern Point Road
Groton, CT. 06340
(860)686-1652